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11 UNITED STATES DISTRICT COURT  
12 FOR THE EASTERN DISTRICT OF WASHINGTON  
13

14 JEREMY OLSEN,

15 Plaintiff,

16 v.

17 XAVIER BECERRA, in his official  
18 capacity as Secretary of the United States  
19 Department of Health and Human  
20 Services,

21 Defendant.

No. 2:21-CV-00326-TOR

DECLARATION OF  
JOHN T. DRAKE

22 I, John T. Drake, hereby declare as follows:

23 1. I am over the age of 18 and competent to testify herein. I have personal  
24 knowledge of the facts set forth below.

25 2. I am counsel of record for Defendant in the above-captioned case.

26 3. I make this declaration in support of Defendant's Cross-Motion for  
27 Summary Judgment.

28 4. On August 11, 2022, this Court (Judge Mendoza) granted Defendant's  
motion to issue a subpoena duces tecum to the supplier of Plaintiff's continuous

1 glucose monitor (“CGM”) equipment, MiniMed Distribution Corp. (“MiniMed”).  
2 ECF No. 62. Pursuant to that order, Defendant served its subpoena on MiniMed on  
3 August 12, 2022.  
4

5 5. On August 19, 2022, MiniMed produced documents responsive to the  
6 subpoena. Among those documents was a letter addressed to Mr. Olsen indicating  
7 that he had been approved for a “financial assistance program.” A true and correct  
8 copy of that letter is attached hereto as **Exhibit A**.  
9

10 6. While this letter does not specify the nature of the financial assistance for  
11 which Mr. Olsen was approved, MiniMed’s parent company, Medtronic, Inc., has a  
12 program known as “Medtronic Assurance” that provides financial assistance for the  
13 purchase of “ongoing supplies” for customers who are “significantly impacted with  
14 overall healthcare costs.” A description of the Medtronic Assurance program can be  
15 found on Medtronic’s website: <https://www.medtronicdiabetes.com/assurance>.  
16  
17

18 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the above  
19 statements are true and correct.  
20

21 DATED this 3rd day of October, 2022, at Spokane, Washington.  
22

23 s/John T. Drake

24 John T. Drake  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on October 3, 2022, I caused to be delivered via the method listed below the document to which this Certificate of Service is attached (plus any exhibits and/or attachments) to the following:

<b>NAME &amp; ADDRESS</b>	<b>Method of Delivery</b>
Roger Townsend BRESKIN JOHNSON TOWNSEND 1000 Second Ave., Suite 3670 Seattle, WA 98104	<input checked="" type="checkbox"/> CM/ECF System <input type="checkbox"/> Electronic Mail <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Other: _____
James Pistorino PARRISH LAW OFFICES 788 Washington Road Pittsburgh, PA 15228	<input checked="" type="checkbox"/> CM/ECF System <input type="checkbox"/> Electronic Mail <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Other: _____

*s/John T. Drake*  
John T. Drake